



**Fw: participation on the quarterly community outreach call**  
**Terry Brown** to: Robert Duraski

09/19/2012 09:49 AM

Hi Bob - I'm on a conference call tomorrow regarding the Off-Site Rule and EJ. Scott Crow states:

What does the agency do when its own decisions may cause an environmental justice issue? For example, the preamble of the CERCLA offsite rule states that it is the goal of the law to not create a second hazardous site by moving waste from one site to another. But when local or state government fails to protect public health and environment through its regulatory authority on a site determined to be eligible by EPA under this rule to receive such hazardous materials, when does EPA stop sending waste there? Immediately, maybe sometime, or never? When does EPA intervene in the local or state regulation? At what point in this scenario does EPA accept that the wrong decision was made and try to correct it? What damages is EPA willing to incur while hoping or assuming that local or state regulators are really competent? Sooner or later it seems like logic would prevail and EPA would stop the polluting action and lack of regulation, but how long is the agency willing to perpetuate the status quo?

Scott Clow                      Ute Mountain Ute Tribe  
sclow@utemountain.org

b(5) Deliberative Process

Thanks.

-Terry  
312-6419

----- Forwarded by Terry Brown/R8/USEPA/US on 09/19/2012 09:46 AM -----

From: Nancy Morlock/R8/USEPA/US  
To: Terry Brown/R8/USEPA/US@EPA  
Cc: Christina Cosentini/R8/USEPA/US@EPA, Steve Burkett/R8/USEPA/US@EPA  
Date: 09/19/2012 09:02 AM  
Subject: Fw: Re: Fw: participation on the quarterly community outreach call

Terry

b(5) Deliberative Process

Chris is acting for me today so I am copying her.

Please b(5) Deliberative Process Thanks.

Nancy

\* \* \* \* \*

Nancy R. Morlock  
Hazardous Waste Unit Chief  
Resource Conservation and Recovery Program  
U. S. Environmental Protection Agency Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

(303) 312-6421

-----Forwarded by Nancy Morlock/R8/USEPA/US on 09/19/2012 09:00AM -----

=====  
To: Libby Faulk/R8/USEPA/US@EPA, Nancy Morlock/R8/USEPA/US@EPA  
From: Libby Faulk/R8/USEPA/US@EPA  
Date: 09/19/2012 08:27AM  
Cc: Bill Murray/R8/USEPA/US@EPA, Randy Brown03/R8/USEPA/US@EPA, RobinM Anderson/DC/USEPA/US@EPA, Suzanne Wells/DC/USEPA/US@EPA, Tai Lung/DC/USEPA/US@EPA  
Subject: Re: Fw: participation on the quarterly community outreach call  
=====

Hi Nancy,

I should have looped you in this as well since it sounds like the offsite rule is managed out of RCRA. Please see below. Thanks, Libby  
\*\*\*\*\*

Libby Faulk  
Acting Community Involvement Program Manager  
U.S. EPA Region 8 (8OC)  
1595 Wynkoop St.  
Denver, Colorado 80202  
faulk.libby@epa.gov  
303-312-6083  
1-800-227-8917, ext. 3126083 (Region 8 States only)

From: Libby Faulk/R8/USEPA/US  
To: Randy Brown03/R8/USEPA/US@EPA, Bill Murray/R8/USEPA/US@EPA  
Cc: Suzanne Wells/DC/USEPA/US@EPA, RobinM Anderson/DC/USEPA/US@EPA, Tai Lung/DC/USEPA/US@EPA  
Date: 09/19/2012 07:21 AM  
Subject: Fw: participation on the quarterly community outreach call

Hi Randy and Bill,

Please see Suzanne's email below. **b(5) Deliberative Process**

Thanks, Libby

\*\*\*\*\*

Libby Faulk  
Acting Community Involvement Program Manager  
U.S. EPA Region 8 (8OC)  
1595 Wynkoop St.  
Denver, Colorado 80202  
faulk.libby@epa.gov  
303-312-6083  
1-800-227-8917, ext. 3126083 (Region 8 States only)

----- Forwarded by Libby Faulk/R8/USEPA/US on 09/19/2012 07:16 AM -----

From: Suzanne Wells/DC/USEPA/US  
To: Libby Faulk/R8/USEPA/US@EPA  
Cc: RobinM Anderson/DC/USEPA/US@EPA, Tai Lung/DC/USEPA/US@EPA

Date: 09/18/2012 06:31 AM  
Subject: Fw: participation on the quarterly community outreach call

Libby,

Hi! Hope things are going well.

We've gotten a request to participate in an OEJ quarterly community outreach call. Scott Clow from the Ute Tribe has posed a question about the CERCLA offsite rule. Is there someone in the region knowledgeable about the situation he describes, and who could help address the concerns?

Suzanne Wells

Chief

Superfund Community Involvement and Program Initiatives Branch

(703) 603-8863

(703) 603-9112 (fax)

----- Forwarded by Suzanne Wells/DC/USEPA/US on 09/18/2012 08:29 AM -----

From: Suzanne Wells/DC/USEPA/US  
To: RobinM Anderson/DC/USEPA/US@EPA  
Cc: Larry Zaragoza/DC/USEPA/US@EPA, DavidE Cooper/DC/USEPA/US@EPA, Tai Lung/DC/USEPA/US@EPA  
Date: 09/18/2012 08:28 AM  
Subject: Fw: participation on the quarterly community outreach call

Robin,

b(5) Deliberative Process

I'm going to contact region 8 to see if they have someone who might be able to address this.

Suzanne Wells

Chief

Superfund Community Involvement and Program Initiatives Branch

(703) 603-8863

(703) 603-9112 (fax)

----- Forwarded by Suzanne Wells/DC/USEPA/US on 09/18/2012 08:21 AM -----

From: Larry Zaragoza/DC/USEPA/US  
To: Suzanne Wells/DC/USEPA/US@EPA  
Cc: DavidE Cooper/DC/USEPA/US@EPA  
Date: 09/18/2012 07:42 AM  
Subject: Re: Fw: participation on the quarterly community outreach call

Suzanne,

b(5) Deliberative Process

b(5) Deliberative Process

Larry J. Zaragoza  
Community Involvement and Program Initiatives Branch, OSRTI, OSWER  
US Environmental Protection Agency  
1200 Pennsylvania Ave, NW (5204P)  
Washington, DC 20460  
703-603-8867 (voice)/703-603-9102(fax)  
Email: Zaragoza.Larry@epa.gov

Physical Address:

U.S. Environmental Protection Agency  
2777 Crystal Drive (One Potomac Yard)  
Room S-5912  
Arlington, Virginia 22202

From: Suzanne Wells/DC/USEPA/US  
To: DavidE Cooper/DC/USEPA/US@EPA  
Cc: Larry Zaragoza/DC/USEPA/US@EPA  
Date: 09/17/2012 04:32 PM  
Subject: Fw: participation on the quarterly community outreach call

David,

Are you familiar with the CERCLA offsite rule that is discussed below? Who in our office knows about this rule?

Suzanne Wells  
Chief  
Superfund Community Involvement and Program Initiatives Branch  
(703) 603-8863  
(703) 603-9112 (fax)  
----- Forwarded by Suzanne Wells/DC/USEPA/US on 09/17/2012 04:30 PM -----

From: Suzanne Wells/DC/USEPA/US  
To: Larry Zaragoza/DC/USEPA/US@EPA  
Date: 09/17/2012 12:24 PM  
Subject: Fw: participation on the quarterly community outreach call

Do you know what this CERCLA offset rule is that is mentioned below? Did Superfund put this out or RCRA?

Suzanne Wells  
Chief  
Superfund Community Involvement and Program Initiatives Branch  
(703) 603-8863  
(703) 603-9112 (fax)  
----- Forwarded by Suzanne Wells/DC/USEPA/US on 09/17/2012 12:23 PM -----

From: Tai Lung/DC/USEPA/US  
To: Suzanne Wells/DC/USEPA/US@EPA

Cc: Marsha Minter/DC/USEPA/US@EPA, Pat Carey/DC/USEPA/US@EPA  
Date: 09/17/2012 11:51 AM  
Subject: Fw: participation on the quarterly community outreach call

Suzanne,

OEJ is looking for someone from Superfund to participate on a community outreach call. Would someone from your office be available to take the call? Email Sherri White to get more info. Thanks,

Tai

Tai C. Lung | U.S. Environmental Protection Agency | OSWER | IPCO | Tel 202.566.1296 | Cell 202.255.6201 | Fax 202.566.0202 | lung.tai@epa.gov

Think Green! Before printing this email assess whether a hard copy is truly necessary.

From: Sherri White/DC/USEPA/US  
To: Marsha Minter/DC/USEPA/US@EPA, Pat Carey/DC/USEPA/US@EPA  
Date: 09/14/2012 11:09 AM  
Subject: participation on the quarterly community outreach call

Hi Marsha and Pat,

I am contacting you both for assistance. One of the issues that was submitted for discussion on the upcoming call was the perception that environmental injustices are often created by EPA decision. The example given was CERCLA. (See below) Do you have someone who could participate on the call Thursday, 9/20 from 5-6pm?

I am preparing the agenda today to be sent out on our list serve late today or early Monday. It would be great if we could get someone from Superfund to participate on the call.

Addressing problems when EPA decisions create perceived environmental injustices.

What does the agency do when its own decisions may cause an environmental justice issue? For example, the preamble of the CERCLA offsite rule states that it is the goal of the law to not create a second hazardous site by moving waste from one site to another. But when local or state government fails to protect public health and environment through its regulatory authority on a site determined to be eligible by EPA under this rule to receive such hazardous materials, when does EPA stop sending waste there? Immediately, maybe sometime, or never? When does EPA intervene in the local or state regulation? At what point in this scenario does EPA accept that the wrong decision was made and try to correct it? What damages is EPA willing to incur while hoping or assuming that local or state regulators are really competent? Sooner or later it seems like logic would prevail and EPA would stop the polluting action and lack of regulation, but how long is the agency willing to perpetuate the status quo? Scott Clow Ute Mountain Ute Tribe  
sclow@utemountain.org

Thanks,  
Sherri

Sherri P. White  
Program Analyst  
EJ IWG Program Manager  
Office of Environmental Justice  
Phone: 202-564-2462  
Fax: 202-501-0740

Mailing Address:  
1200 Pennsylvania Ave. NW  
MS 2201A  
Washington, DC 20460